

Rulemaking Hearing Rules
of
The Department of Mental Health and Developmental Disabilities
Office of Licensure

Chapter 0940-5-18
Minimum Program Requirements for Mental Health
Crisis Stabilization Unit Facilities

Amendments

Chapter 0940-5-18 Mental Health Crisis Stabilization Unit Facilities is amended by deleting the name "Crisis Stabilization Services" wherever it appears and replacing it with "Crisis Stabilization Unit Facilities".

Rule 0940-5-18-.01 Definition is amended by deleting the rule in its entirety and by substituting in its place the following language so that, as amended, the rule shall read:

0940-5-18-.01 Definition.

- (1) "Crisis Stabilization Unit" (CSU) means services specifically designed for service recipients eighteen (18) years and older in need of short-term stabilization, up to ninety-six (96) hours, who do not meet the criteria for other treatment resources, other less restrictive treatment resources are not available, or the service recipient is agreeable to receive services voluntarily at the CSU and meet admission criteria. If necessary, in order to assure that adequate arrangements are in place to allow for the safe discharge of the service recipient, the length of stay may be extended by up to twenty-four (24) hours.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Rule 0940-5-18-.02 Application of Rules for Mental Health Crisis Stabilization Unit Facilities is amended by deleting the rule in its entirety and by substituting in its place the following language so that, as amended, the rule shall read:

0940-5-18-.02 Application of Rules for Mental Health Crisis Stabilization Unit Facilities.

- (1) Applicable occupancy rules found in 0940-5-4: Life Safety Health Care Occupancies for facilities providing services for four (4) or more service recipients who are not capable of self-preservation; Life Safety Board and Care Occupancies for facilities providing services to four (4) or more service recipients; or Life Safety One- and Two-Family Dwellings Occupancies for facilities providing services to two (2) or three (3) service recipients;
- (2) If services are to be provided in a facility meeting the requirements for Board and Care or One- and Two-Family Dwelling Occupancy and services are provided to one (1) or more mobile non-ambulatory service recipients, then Rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule;
- (3) Applicable rules for Adequacy of Facility Environment and Ancillary Services found in 0940-5-5;
- (4) Applicable Minimum Program Requirements for all Facilities found in 0940-5-6;
- (5) Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities found in 0940-5-18; and

- (6) Requirements for the Use of Isolation, Mechanical Restraint, and Physical Holding Restraint in Mental Health Residential Treatment Facilities found in 0940-3-9.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Rule 0940-5-18-.04 Personnel and Staffing Requirements in Crisis Stabilization Unit Facilities is amended by deleting paragraph (2) in its entirety and by substituting instead the following language so that, as amended, paragraph (2) shall read as follows:

- (2) A qualified prescriber, who is authorized to prescribe medications by the Tennessee Board of Medical Examiners or the Tennessee Board of Nursing, must provide general medical services, prescription of medications and treatment. If the qualified prescriber is not a psychiatrist, the qualified prescriber must have psychiatric expertise, as defined by training, education or experience with consultation available from a psychiatrist. The qualified prescriber must be on call twenty-four (24) hours per day and must make daily rounds.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Paragraph (6) of Rule 0940-5-18-.04 Personnel and Staffing Requirements in Crisis Stabilization Unit Facilities is amended by replacing the forward slash with the word “and” after the word “on-duty” and before the word “on-site”; and is further amended by deleting the words “trained in First Aid and the Heimlich maneuver” after the word “and” and substituting instead the words “trained in first aid, the abdominal thrust maneuver and standard precautions for infection control” so that, as amended, paragraph (6) shall read as follows:

- (6) At least one (1) on-duty and on-site staff member must be certified in cardiopulmonary resuscitation (CPR) and trained in first aid, the abdominal thrust maneuver and standard precautions for infection control.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Subparagraph (c) of paragraph (1) of Rule 0940-5-18-.05 Individual Plan of Care (IPC) Requirements for Crisis Stabilization Unit Facilities is amended by adding the words “International Statistical Classification of Diseases and Related Health Problems” before the words “ICD”, deleting the “-9” after “ICD” and placing “ICD” in parentheses so that, as amended, the paragraph shall read:

- (c) Standardized diagnostic formulation(s) including, but not limited to the current Diagnostic and Statistical Manual (DSM) and/or current International Statistical Classification of Diseases and Related Health Problems (ICD);

Subparagraph (g) of paragraph (1) of Rule 0940-5-18-.05 Individual Plan of Care (IPC) Requirements for Crisis Stabilization Unit Facilities is amended by adding the words “responsible for” after the word “staff” and before the word “developing”; and deleting the word “physician” after the word “including” and replacing it with the words “qualified prescriber” so that, as amended, the paragraph shall read:

- (g) Signatures of treatment staff responsible for developing plan, including qualified prescriber;

Part 1 of subparagraph (j) of paragraph (1) of Rule 0940-5-18-.05 Individual Plan of Care (IPC) requirements for Crisis Stabilization Unit Facilities is amended by deleting the word “physician” after the word “including” and adding the words “qualified prescriber” so that, as amended, the subparagraph shall read:

1. Dated signature(s) of appropriate treatment staff, including qualified prescriber.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Subparagraph (d) of paragraph (1) of Rule 0940-5-18-.06 Individual Record Requirements for Crisis Stabilization Unit Facilities is amended by deleting the current language in its entirety and substituting the following language, so that, as amended, the subparagraph shall read:

- (d) Daily progress notes by the qualified prescriber, nurses and other mental health professionals, as applicable;

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Paragraph (1) of Rule 0940-5-18-.07 Medication Administration in Crisis Stabilization Unit Facilities is amended by deleting the current language after the word “by” and substituting the words “qualified prescribers” so that, as amended, the paragraphs shall read:

- (1) Medications must be ordered by qualified prescribers.

Paragraph (3) of Rule 0940-5-18-.07 Medication Administration in Crisis Stabilization Unit Facilities is amended by deleting the current language in its entirety and substituting the following language, so that, as amended, the paragraph shall read:

- (3) “Oral” or “Telephone” orders may be issued by the qualified prescriber. These orders must be taken by a licensed nurse or physician assistant, qualified by training and experience, and categorically approved by the medical staff of the facility/program. Upon hearing the order, the receiver shall record the order in the service recipient's record, and then shall read back the written order to the issuing professional to assure that the order is understood clearly. “Oral” and “Telephone” orders must be documented as such and staff recording must sign their name and title. “Oral” and “Telephone” orders must be countersigned by the qualified prescriber no later than seventy-two (72) hours.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302, and 33-2-404.

Paragraph (1) of Rule 0940-5-18-.09 Disposition of Unused Medications is amended by deleting the word “physician” after “and directions by the” and replacing it with the words “qualified prescriber” so that, as amended, the paragraph shall read:

- (1) Any unused portions of program-prescribed medication(s) must be either turned over to the service recipient with written authorization and directions by the qualified prescriber or returned to a pharmacy for proper disposition by the pharmacist.

Paragraph (2) of Rule 0940-5-18-.09 Disposition of Unused Medications is amended by deleting the word “physician” after “ordered by a” in the first sentence and substituting the words “qualified prescriber”; by deleting the word “physician” after “must be” in the last sentence and by adding the phrase “by the qualified prescriber” after the word “documentation” in the last sentence. The paragraph is further amended by adding the words “or legal guardian/conservator,” after the word “family” and before the word “or”; and adding the words “paragraph one” after the phrase “disposed of as in” and before the number “(1)” so that as amended, the paragraph shall read:

- (2) Whenever a service recipient brings his/her own prescribed medications into the facility, such medications must not be administered unless identified and ordered by a qualified prescriber. If such medications cannot be administered, they must be packaged, sealed, and returned to an adult member of the service recipient's immediate family or legal guardian/conservator, or securely stored and returned to the service recipient upon discharge. However, if previously prescribed medication(s) would prove harmful to the service recipient, they may be withheld from the service recipient and disposed of as in paragraph one (1) above. There must be documentation by the qualified prescriber in the service recipient's clinical record citing the dangers or contraindications of the medication(s) being withheld.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, 33-2-302 and 33-2-404.

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 31st day of July, 2008, and will become effective on the 14th day of October, 2008. (FS 07-19-08; DBID 2925)